



# Designation of Agency Sexual Harassment Officer



## Designating an Agency Sexual Harassment Officer Pursuant to Mayor's Order 2017-313

On December 18, 2017, Mayor Bowser released a revised Mayor's Order on the District's Sexual Harassment Policy, Guidance and Procedures. The new order, Mayor's Order 2017-313, requires each agency to designate a Sexual Harassment Officer (SHO) who can accept, review, and investigate reports of sexual harassment incidents. Here are some details on complying with the Order with respect to SHO designation.

### What is Required of Agencies?

- Designate a Sexual Harassment Officer (see below on who can be designated)
- Designate an office within the agency or an alternate person for when the SHO is unavailable
  - Smaller agencies may, by agreement, utilize SHOs from larger agencies or make other mutually agreeable arrangements, but still must submit the names of designees to OHR
- Submit an email to OHR at [OHR@dc.gov](mailto:OHR@dc.gov) with the names of designees by **January 17, 2018** using the subject line "**Agency Name – SHO Designation**"; Submit any changes to the SHO designation to OHR within 10 business days of the change
- Display, in noticeable and conspicuous locations accessible and used by a substantial number of agency employees, notices setting forth the District of Columbia's policy prohibiting sexual harassment and containing the identity and location of the agency's designated Sexual Harassment Officer, and office, who is responsible for receiving claims of sexual harassment and ensuring that they are investigated

### Who Can Agencies Designate as an SHO?

- Agencies may use their discretion to designate any individual who is competent or familiar with EEO laws, and who can review and investigate reports of sexual harassment. The chart below provides more information.

Who May Be Designated?	Who Should Not Be Designated?
<ul style="list-style-type: none"><li>➤ HR Advisors, HR Managers</li><li>➤ Individuals competent in or familiar with EEO Provisions</li><li>➤ Individuals with investigation experience</li></ul>	<ul style="list-style-type: none"><li>➤ <u>EEO Counselors</u> <i>Rationale:</i> Could cause significant confusion. Designating EEO counselors as an SHO could cause confusion between the two processes: (1) new agency reporting process and (2) the right to file a claim with OHR. Further, EEO Counselors assist with facilitating resolution of EEO claims; they do not investigate or make findings. Finally, in most cases, undergoing EEO counseling is an exhaustion requirement before filing with OHR.</li></ul>

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Who May Be Designated?	Who Should Not Be Designated?
➤ EEO Officers (NOT EEO Counselors)	➤ <u>General Counsel or Attorney Advisors in OGC</u> <i>Rationale:</i> Conflict of interest. An SHO's role involves conducting an impartial investigation and making an unbiased determination. This may cause a conflict of interest if General Counsel or an Attorney Advisor in OGC were designated as an SHO because OGC would ultimately have to represent and defend the agency. Lastly, designating a GC or an Attorney Advisor could result in agency attorneys becoming witnesses to a case.

### What is the Role of an SHO and How Does it Affect the EEO Counseling Process?

(For general overview of the EEO Counseling Process, see OHR Website:

<https://ohr.dc.gov/page/EEOcounselors>)

#### When Reporting Incidents to the Agency

- SHOs are responsible for:
  - Accepting, reviewing, and investigating reports of sexual harassment incidents;
  - Communicating reports of sexual harassment incidents to agency General Counsel, who will in turn report the incident to the Mayor's Office of Legal Counsel (MOLC);
  - DCHR, in concert with OHR, will issue guidance materials for SHOs on how to conduct the investigation.
  - **Note:** Individuals do **NOT** have to consult with an EEO Counselor before reporting to the agency.

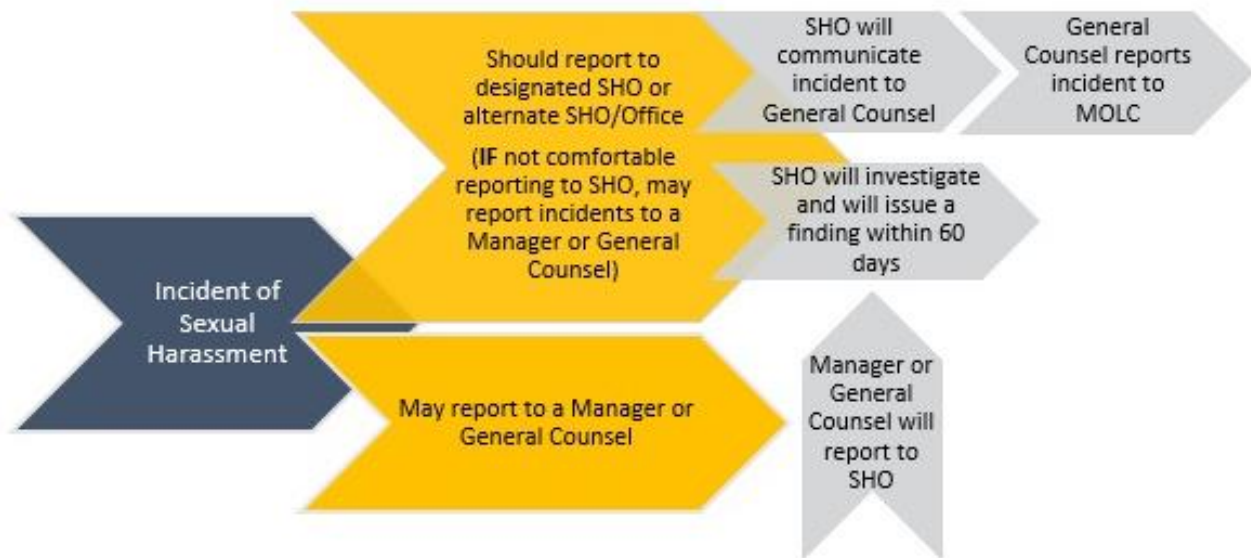
#### When Filing a Legal Administrative Complaint with OHR

- EEO Counseling is NOT required
  - Individuals do **NOT** have to consult with an EEO Counselor or report to the agency before filing a claim with OHR. They may proceed directly with OHR within one year of the incident or discovery thereof. However, individuals retain the right to consult with an EEO Counselor within 180 days of the incident or discovery thereof.

Consult the visual guides on the next page for more information.

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### A Visual Guide on Reporting Sexual Harassment Incidents to the Agency



### A Visual Guide on Filing a Legal Claim of Sexual Harassment

